U.S. DISTRICT COURT
N.D. OF N.Y.
FILED

MAR 01 2011

LAWRENCE K. BAERMAN, Clerk
UTICA

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF NEW YORK
--x

MERTON SIMPSON, et al.,

Plaintiffs and
Class Representatives,

04 cv 01182 (DNH)(DRH)

vs.

ORDER

NEW YORK STATE DEPARTMENT OF
CIVIL SERVICE, et al.,

Defendants.
--x

Upon the motion of Michael H. Sussman, Esq., co-counsel for plaintiff class, dated February 8, 2011, and there being no opposition to said motion and the relief requested therein, it is hereby

ORDERED:

1. By March 8, 2011, counsel for plaintiff class shall cause to be mailed to each class member the proposed letter attached to the motion papers advising class members of the terms of the proposed settlement of this matter and their right to opt out of the settlement;

2. Class members shall have until April 1, 2011, to opt out of the proposed settlement by advising Michael H. Sussman, PO Box 1005, Goshen, New York of their intent to do so in writing;

3. The Court shall convene a fairness hearing to review the settlement and accept comments from class members concerning its terms on April 15, 2011 at 10:00 AM at the United States Courthouse, 445 Broadway, Albany, New York.

IT IS SO ORDERED.

United States District Judge

Dated: February ~~22~~ 28, 2011
Utica, New York.